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Attorneys for Defendants

HARRIS RESEARCH, INC.,

DAN TARATIN, SHELDON YELLEN,

RUSTY ARMARANTE, CURT ARNOLD,

DOUG SMITH, ED QUINLAN,

WILLIAM ZINKE, MELANIE PARKER,

and JOTHAM HATCH

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

HOSPITALITY FUTURE LABS,
LLC and ADAM SCHRODER,

Plaintiff,

vs.

HARRIS RESEARCH, INC.; DAN
TARATIN; SHELDON YELLEN;
RUSTY ARMARANTE; CURT
ARNOLD; DOUG SMITH; ED

) CIVIL NO. _____

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) NOTICE OF REMOVAL OF STATE

) COURT ACTION TO FEDERAL

) COURT; EXHIBIT A; CERTIFICATE

) OF SERVICE

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QUINLAN; WILLIAM ZINKE;)
MELANIE PARKER; JOTHAM)
HATCH; and DOES 1-25)
)
 Defendants.)

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NOTICE OF REMOVAL OF STATE COURT ACTION TO FEDERAL COURT

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendants Harris Research, Inc. (“HRI”), Dan Taratin, Sheldon Yellen, Rusty Armarante, Curt Arnold, Doug Smith, Ed Quinlan, William Zinke, Melanie Parker, and Jotham Hatch, (collectively, Defendants) hereby removes this action from the Circuit Court of the Second Circuit, State of Hawaii, where it is currently pending, to the United States District Court for the District of Hawaii. The Court has jurisdiction over this action, and it is properly removable to this Court, because the parties are completely diverse and the amount in controversy exceeds \$75,000.

In support of this removal, HRI states as follows:

1. Plaintiffs Hospitality Future Labs, LLC (“HFL”) and Adam Schroder (“Mr. Schroder”) (collectively, “Plaintiffs”) commenced this action on March 24, 2022, by filing its Complaint in the Circuit Court of the Second Circuit, State of Hawaii, as Civil No. 2CCV-22-0000081 (“Complaint”), attached hereto as part of Exhibit A.

2. Defendants received a copy of the Complaint on March 25, 2022, when the Complaint was attached to an email sent by Mr. Schroder's attorney to an arbitrator, identified as a "motion to stay" an arbitration initiated in June 2021 and currently being administered by the American Arbitration Association ("Arbitration"). The subject matter of the Arbitration is substantially similar if not identical to the allegations in the Complaint.

3. As set forth more fully below, this case is properly removed to this Court pursuant to 28 U.S.C. § 1441 because the Court has subject-matter jurisdiction over this action pursuant to 28 U.S.C. § 1332, and Defendants have satisfied the procedural requirements for removal.

GROUND FOR REMOVAL

4. This action may be removed under 28 U.S.C. § 1441 because the Court has original jurisdiction under 28 U.S.C. § 1332(a)(1). There is complete diversity of citizenship, and the amount in controversy exceeds \$75,000, exclusive of interest and costs. No defendant is a citizen of the State of Hawaii.

A. Complete Diversity Of Citizenship Exists Between The Parties

5. HFL is a Hawaii limited liability company with its principal place of business in the State of Hawaii, as pled in its Complaint. For diversity purposes, the citizenship of a corporation is both: (1) the state where it is

incorporated; and (2) the State where it has its principal place of business.

28 U.S.C. § 1332(c)(1).

6. Mr. Schroder is a resident and citizen of the State of Hawaii.

7. Accordingly, Plaintiffs are citizens of the State of Hawaii for purposes of diversity.

8. HRI is a Utah corporation with its principal place of business in the State of Tennessee. For diversity purposes, the citizenship of a corporation is both: (1) the state where it is incorporated; and (2) the State where it has its principal place of business. 28 U.S.C. § 1332(c)(1).

9. Accordingly, HRI is a citizen of the State of Utah and the State of Tennessee.

10. Defendant Dan Taratin is a resident of the State of Tennessee; Defendant Sheldon Yellen is a resident of the State of Michigan; Defendant Rusty Armarante is a resident of the State of Florida; Defendant Curt Arnold is a resident of the State of Tennessee; Defendant Doug Smith is a resident of the State of Tennessee; Defendant Ed Quinlan is a resident of the State of Utah; Defendant William Zinke is a resident of the State of Tennessee; Defendant Melanie Parker is a resident of the State of Tennessee; and Defendant Jotham Hatch is a resident of the State of Utah (all of the preceding collectively, the “Individual Defendants”), .

11. Accordingly, there is complete diversity between the parties.

See 28 U.S.C. § 1332(a)(1), (c)(1).

B. The Amount-In-Controversy Requirement Is Satisfied

12. The amount-in-controversy requirement for diversity jurisdiction is satisfied in this case because the “matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.” 28 U.S.C. § 1332(a).

13. Plaintiffs are seeking damages purportedly arising from and related to their claims for Breach of Contract, Breach of Good Faith and Fair Dealing, Breach of Fiduciary Duty, Tortious Interference with Contractual Relations and Business Opportunity, Defamation, Intentional Infliction of Emotional Distress, Unfair Competition/Violations of HRS 482E and HRS 480-2, Conversion, and Declaratory Relief. Complaint, ¶¶ 43-96.

14. Plaintiff alleges that Defendants are liable for breach of contract in the “minimum amount of \$100,000” with additional damages of at least \$90,000 for alleged violations. Complaint, ¶¶ 43-49.

15. Defendants dispute the claim in its entirety.

16. Plaintiffs also allege that Defendants are liable for lost revenue in the amount of approximately \$100,000 per month, under Plaintiffs’ claim for Breach of Good Faith and Fair Dealing. Complaint, ¶¶ 53.

17. Plaintiffs further allege that Defendants are liable for lost revenue in the amount of approximately \$100,000 per month, under Plaintiffs' claim for Tortious Interference with Contractual Relations and Business Opportunity. Complaint, ¶¶ 70.

18. Therefore, the amount in controversy exceeds the \$75,000 minimum threshold for diversity jurisdiction under 28 U.S.C. § 1332(a).

C. The Other Prerequisites For Removal Have Been Satisfied

19. In addition to satisfying the requirements of diversity jurisdiction, Defendants have satisfied all other requirements for removal.

20. All Defendants consent to the removal pursuant to 28 U.S.C. § 1446(b)(2).

21. All Defendants were provided notice of the Complaint in this action on March 25, 2022. Accordingly, this Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b).

22. The Circuit Court of the Second Circuit, State of Hawaii, is located within the District of Hawaii. See 28 U.S.C. § 1441(a).

23. No defendant is a citizen of the State of Hawaii, where this action was brought. See 28 U.S.C. § 1441(b)(2).

24. No previous application has been made for the relief requested herein.

25. Pursuant to 28 U.S.C. § 1446(a), copies of all papers served upon the Defendants are attached collectively as Exhibit A. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served upon counsel for Plaintiffs, and a copy is being filed with the Clerk of the Circuit Court of the Second Circuit, State of Hawaii.

WHEREFORE, Defendants respectfully remove this action from the Circuit Court of the Second Circuit, State of Hawaii, bearing Civil Number 2CCV-22-0000081, to this Court.

DATED: Honolulu, Hawaii, April 11, 2022.

/s/ Steven T. Wall

HARVEY J. LUNG
STEVEN T. WALL

Attorneys for Defendant
HARRIS RESEARCH, INC.,
DAN TARATIN, SHELDON YELLEN,
RUSTY ARMARANTE, CURT ARNOLD,
DOUG SMITH, ED QUINLAN,
WILLIAM ZINKE, MELANIE PARKER,
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) CERTIFICATE OF SERVICE

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing
document was duly served electronically through PACER on the following party
on April 11, 2022:

JACK R. NAIDITCH, ESQ.
Law Offices of Jack R. Naiditch, Inc.
P.O. Box 485
Kula, Hawaii 96790

Attorneys for Plaintiff
HOSPITALITY FUTURE LABS, LLC
and ADAM SCHRODER

DATED: Honolulu, Hawaii, April 11, 2022.

/s/ Steven T. Wall
HARVEY J. LUNG
STEVEN T. WALL

Attorneys for Defendant
HARRIS RESEARCH, INC.,
DAN TARATIN, SHELDON YELLEN,
RUSTY ARMARANTE, CURT ARNOLD,
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